

REMARKS

Claims 17-31 and 33-46 remain in this application. Claims 1-16 and 32 have been canceled, without prejudice. New Claims 33-46 have been added. By these amendments, no new matter has been added. Applicants acknowledge with appreciation the allowance of Claims 17-31.

The Examiner provisionally rejected Claims 1-16 under the judicially-created doctrine of obviousness-type double patenting. Claims 1-16 have been cancelled. These rejections are therefore moot, and should be withdrawn. This ground of rejection is not believed to apply to newly added Claims 33-46.

The Examiner rejected Claims 1-16 under 35 U.S.C. § 102(b) as anticipated by Young. These rejections are also moot, in view of the cancellation of Claims 1-16, and should therefore be withdrawn.

Nor is Young believed to pose any bar to patentability of newly added Claims 33-46. As to Claim 33, Young does not disclose detecting a user selection of a command protocol from a plurality of different command protocols, and generating control signals for user-selected types of train components according to the user-selected command protocol. As for Claim 41, Young does not disclose an apparatus for speed control that includes program instructions for reading a voltage input, such as a track voltage, and generating an appropriate speed control command based on the input voltage. Claims 34-40 and 42-46 are also allowable, at least as depending from allowable base claims.

In view of the foregoing, the Applicants respectfully submit that Claims 17-31 and 33-46 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited.

To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

Serial No. 10/631,311  
February 9, 2005  
Page 10

Our check in the amount of \$790.00 is enclosed for the accompanying Request for Continued Examination (RCE), pursuant to 37 C.F.R. § 1.17(e). The Commissioner is authorized to charge any shortage in the fees, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



---

Brian M. Berliner  
Attorney for Applicants  
Registration No. 34,549

Date: February 9, 2005

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000